

REPORT/RECOMMENDATION TO THE BOARD OF SUPERVISORS
OF SAN BERNARDINO COUNTY, CALIFORNIA
AND RECORD OF ACTION

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September 9, 2003

FROM: MICHAEL E. HAYS, Director
Land Use Services Department/Current Planning Division

SUBJECT: SCHEDULE PUBLIC HEARING TO CONSIDER AN APPEAL OF A PLANNING
COMMISSION DENIAL OF A CONDITIONAL USE PERMIT; APPLICANT: LIM,
HUI CHA (JACKMAN BOOKSTORE); JCS/INDEX: 11238CU1/W149-83/2002;
APN: 0230-081-02; COMMUNITY: FONTANA

RECOMMENDATION:

1. **SCHEDULE** a public hearing on TUESDAY, SEPTEMBER 23, 2003, at 10:00 AM to consider the appeal of a Planning Commission Denial of a Conditional Use Permit to legalize 24 adult video booths and private office and to establish the legal, non-conforming bookstore as a legal, conforming use with a Variance to allow the bookstore less than 750 feet from any residential land use district and any off-site residential land use, on 1.37 acres; Applicant: Lim Hui Cha (Jackman Bookstore); JCS/Index: 11238CU1/W149-83/2002; APN: 0230-081-02; Community: Fontana
2. **DIRECT** the Clerk of the Board to publish the Notice of Hearing, pursuant to Government Code Sections 65090 and 65091, one time in a publication of general circulation at least 10 days prior to hearing date.

BACKGROUND INFORMATION: On April 10, 2003, the Planning Commission unanimously denied the proposed Conditional Use Permit. On April 17, 2003, the applicant filed an appeal of the denial, asking the Board of Supervisors to reconsider this determination. The delay in scheduling was prompted by the applicant's desire to have her attorney present for the appeal hearing. The project description is as follows:

APN: 0230-081-02
APPLICANT: LIM HUI CHA (JACKMAN BOOKSTORE)
PROPOSAL: APPEAL OF DENIAL OF A CONDITIONAL USE PERMIT TO LEGALIZE 24
ADULT VIDEO BOOTHS AND PRIVATE OFFICE AND TO ESTABLISH THE
LEGAL, NON-CONFORMING BOOKSTORE AS A LEGAL, CONFORMING
USE, WITH A VARIANCE TO ALLOW THE BOOKSTORE LESS THAN 750
FEET FROM ANY RESIDENTIAL LAND USE DISTRICT AND ANY OFF-SITE
RESIDENTIAL LAND USE, ON 1.37 ACRES.
COMMUNITY: FONTANA, SECOND SUPERVISORIAL DISTRICT
LOCATION: FOOTHILL BOULEVARD, SOUTH SIDE; APPROXIMATELY 460 FEET EAST
OF LIVE OAK AVENUE
JCS/INDEX: 11238CU1/W149-83/2002

Record of Action of the Board of Supervisors

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In accordance with Government Code Sections 65090 and 65091, and County Development Code Section 83.010330, public notice of this hearing is to be given once at least 10 days prior to the hearing in at least one newspaper of general circulation in the respective community of the proposal. For this item, staff has determined this notice shall be published in the following newspaper: The Sun Newspaper.

REVIEW BY OTHERS: This item has been reviewed by Deputy County Counsel Robin Cochran on August 25, 2003, and by the County Administrative Office, Tom Forster, Administrative Analyst III, on August 27, 2003. This item was heard by the Planning Commission on April 10, 2003.

FINANCIAL IMPACT: There are no financial impacts associated with the scheduling of this item.

SUPERVISORIAL DISTRICT: 2nd

PRESENTER: Julie M. Rynerson, Division Chief - Current Planning Division, 387-4146